

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**NETLIST, INC.**

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v.

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**MICRON TECHNOLOGY, INC.,  
MICRON SEMICONDUCTOR  
PRODUCTS, INC., and MICRON  
TECHNOLOGY TEXAS LLC**

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**CIVIL ACTION NO. 2:22-CV-00294-JRG**

**MINUTES FOR JURY TRIAL DAY NO. 2  
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP  
May 21, 2024**

**OPEN: 08:27 AM**

**ADJOURN: 06:34 PM**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANTS: See attached

LAW CLERKS: Dylan Freeman  
Brendan McLaughlin  
Amy Wann

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

| <b>TIME</b> | <b>MINUTE ENTRY</b>  |
|-------------|--|
| 08:27 AM    | Court opened.  |
| 08:28 AM    | Exhibits used prior day read into the record.                                |
| 08:30 AM    | Jury entered the courtroom.  |
| 08:31 AM    | Continuation Plaintiff's case-in-chief:                                      |
| 08:31 AM    | Witness sworn.   |
| 08:32 AM    | Direct examination of Dr. William Mangione-Smith by Mr. Rowles.              |
| 10:04 AM    | Bench conference.  |
| 10:05 AM    | Bench conference concluded.  |
| 10:05 AM    | Continuation direct examination of Dr. William Mangione-Smith by Mr. Rowles. |
| 10:20 AM    | Bench conference.  |
| 10:21 AM    | Bench conference concluded.  |
| 10:21 AM    | Jury recessed for break.   |
| 10:22 AM    | Recess.  |
| 10:42 AM    | Court reconvened.  |
| 10:42 AM    | Jury returned to courtroom.  |

| TIME     | MINUTE ENTRY   |
|----------|--|
| 10:43 AM | <b>Courtroom sealed.</b>   |
| 10:44 AM | Continuation direct examination of Dr. William Mangione-Smith by Mr. Rowles.   |
| 10:50 AM | Bench conference.  |
| 10:51 AM | Bench conference concluded.  |
| 10:51 AM | Objection raised.  |
| 10:51 AM | Jury retired to jury room.   |
| 10:52 AM | Court heard argument outside presence of the jury.   |
| 10:58 AM | Court made rulings as set forth in the record.   |
| 11:02 AM | Jury returned to courtroom.  |
| 11:03 AM | Court directed jury to disregard a certain portion of Dr. William Mangione-Smith's testimony.  |
| 11:04 AM | Continuation direct examination of Dr. William Mangione-Smith by Mr. Rowles.   |
| 11:09 AM | <b>Courtroom unsealed.</b>   |
| 11:10 AM | Continuation direct examination of Dr. William Mangione-Smith by Mr. Rowles.   |
| 11:24 AM | Cross examination of Dr. William Mangione-Smith by Mr. Mann.   |
| 12:01 PM | Jury recessed for lunch break.   |
| 12:02 PM | Recess.  |
| 01:02 PM | Court reconvened.  |
| 01:02 PM | Court made rulings as set forth in the record re: surviving deposition dispute re: witness, Mr. Robert Beal.                               |
| 01:03 PM | Jury returned to courtroom.  |
| 01:04 PM | Continuation cross examination of Dr. William Mangione-Smith by Mr. Mann.  |
| 01:06 PM | Bench conference.  |
| 01:11 PM | Bench conference concluded.  |
| 01:11 PM | Continuation cross examination of Dr. William Mangione-Smith by Mr. Mann.  |
| 02:02 PM | Redirect examination of Dr. William Mangione-Smith by Mr. Rowles.  |
| 02:11 PM | Bench conference.  |
| 02:14 PM | Bench conference concluded.  |
| 02:14 PM | Continuation redirect examination of Dr. William Mangione-Smith by Mr. Rowles.   |
| 02:31 PM | Recross examination of Dr. William Mangione-Smith by Mr. Mann.   |
| 02:36 PM | Completion of testimony of Dr. William Mangione-Smith.   |
| 02:36 PM | Ms. Carson introduced the video designation of Mr. Frank Ross.   |
| 02:55 PM | Video designation of Mr. Frank Ross concluded.   |
| 02:55 PM | Ms. Carson introduced the video designation of Mr. Scott Smith.  |
| 02:56 PM | Court provided explanation to the Jury re: Mr. Smith testifying by video designation and later appearing live to testify during the trial. |
| 02:57 PM | Presentation of video designation of Mr. Scott Smith.  |
| 03:01 PM | Video designation of Mr. Scott Smith concluded.  |
| 03:02 PM | Jury recessed for break.   |
| 03:02 PM | Recess.  |
| 03:25 PM | Court reconvened.  |
| 03:26 PM | Jury returned to courtroom.  |
| 03:26 PM | Mr. Rowles introduced the video designation of Mr. Garret Davey.   |
| 03:27 PM | <b>Courtroom sealed.</b>   |
| 03:28 PM | Presentation of video designation of Mr. Garret Davey.   |

| TIME     | MINUTE ENTRY  |
|----------|---|
| 03:37 PM | Video designation of Mr. Garret Davey concluded.  |
| 03:37 PM | <b>Courtroom unsealed.</b>  |
| 03:38 PM | Mr. Rowles introduced the video designation of Mr. Boe Holbrook.  |
| 03:44 PM | Video designation of Mr. Boe Holbrook concluded.  |
| 03:44 PM | Mr. Rowles introduced the video designation of Mr. Scott Cyr.   |
| 03:57 PM | Video designation of Mr. Scott Cyr concluded.   |
| 03:57 PM | Mr. Rowles introduced the video designation of Mr. Robert Beal.   |
| 04:01 PM | Video designation of Mr. Robert Beal concluded.   |
| 04:01 PM | Mr. Rowles introduced the video designation of Mr. Tyler Morton.  |
| 04:06 PM | Video designation of Mr. Tyler Morton concluded.  |
| 04:07 PM | Witness sworn.  |
| 04:07 PM | Direct examination of Mr. David Kennedy by Ms. Carson.  |
| 04:18 PM | Bench conference.   |
| 04:19 PM | Bench conference concluded.   |
| 04:19 PM | Continuation direct examination of Mr. David Kennedy by Ms. Carson.   |
| 05:18 PM | Jury recessed for break.  |
| 05:19 PM | Court directed counsel to meet and confer and jointly submit an updated proposed final jury instruction and jury verdict form by 4:00 PM tomorrow in Word format and electronically transmitted to Court staff. |
| 05:20 PM | Recess.   |
| 05:29 PM | Court reconvened.   |
| 05:29 PM | Jury returned to courtroom.   |
| 05:30 PM | Cross examination of Mr. David Kennedy by Mr. Enzminger.  |
| 06:06 PM | Bench conference.   |
| 06:07 PM | Bench conference concluded.   |
| 06:07 PM | Continuation cross examination of Mr. David Kennedy by Mr. Enzminger.   |
| 06:11 PM | <b>Courtroom sealed.</b>  |
| 06:12 PM | Continuation cross examination of Mr. David Kennedy by Mr. Enzminger.   |
| 06:21 PM | <b>Courtroom unsealed.</b>  |
| 06:21 PM | Continuation cross examination of Mr. David Kennedy by Mr. Enzminger.   |
| 06:25 PM | Completion of testimony of Mr. David Kennedy.   |
| 06:25 PM | Court provided instructions to the Jury.  |
| 06:26 PM | Jury recessed for the day until 8:30 AM tomorrow morning.   |
| 06:34 PM | Court adjourned.  |